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May 21, 2003

Marlene H. Dortch, Secretary
Federal Communications Commission
Washington, D.C. 20554

Re: ex parte communication, WT Docket 02-55 and WT Docket 02-100

Dear Ms. Dortch:

Anne Arundel County, Maryland ("County") has been working for the past five years to mitigate commercial wireless interference to its 800 MHz public safety radio system. Its experiences have been documented in the County's comments, as a member of the Public Safety Improvement Coalition ("PSIC"), on the spectrum realignment proposals in WT Docket 02-55. The County also has discussed mitigation efforts in the course of defending its wireless siting ordinance against the challenge of one of two interfering carriers, Cingular Wireless, in WT Docket 02-100.

In the case of the other interfering carrier, Nextel, the County believes that an exchange of frequencies may assist in resolving some of the issues. The two parties are preparing to sign an Asset Exchange Agreement in which 14 Nextel channels in the 854-856 MHz range would be combined with two existing County channels in the same range. In return, the County would assign to Nextel 13 channels in the 856-860 MHz range, plus a 14th channel, 851.7625. When the Agreement is executed, the parties will seek Commission approval of the channel swap and any Special Temporary Authority ("STA") that may be required for continuity of operation.

The channels to be assigned to the County by Nextel, and those to be retained by the County, would be consistent with the general realignment of 800 MHz spectrum originally proposed by

Nextel and later adopted by the “Consensus Parties” that include Nextel, APCO and ITA. Should the Consensus Parties’ plan not be adopted by the FCC, the County and Nextel would amend their agreement as necessary “to ensure that Anne Arundel will receive 16 frequencies licensable” at the 10 sites chosen for an expanded 800 MHz system the County has contracted to install.

Accordingly, the County supports the Consensus Parties’ spectrum realignment proposal to the extent it furthers the objectives of the Asset Exchange Agreement. The County maintains its objections to other aspects of the Consensus Parties’ proposal, expressed in Docket 02-55 through the PSIC.¹

Sincerely,

James R. Hobson
Counsel for Anne Arundel County

cc: Lance Johnson, Nextel

¹ Comments of May 6, 2002; Reply Comments, August 7, 2002; Supplemental Comments of February 10, 2003.